

PROB 12A
(7/93)

**United States District Court
for
District of New Jersey
Report on Offender Under Supervision**

Name of Offender: **Samuel Acchione**

Cr.: 08-00118-01

Name of Sentencing Judicial Officer: The Honorable Faith S. Hochberg

Date of Original Sentence: May 19, 2008

Original Offense: Mail Fraud

Original Sentence: 17 months in BOP custody, three years supervised release. Special conditions: alcohol prohibition/testing, mental health treatment, financial disclosure, no new debt, occupational restriction against employment in the financial field. Restitution of \$199,280 to be paid at rate of no less than \$1,000 per month. \$100 Special Assessment.

Type of Supervision: Supervised Release

Date Supervision Commenced: September 16, 2009

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the supervision condition which states, 'As a condition of supervision, you are instructed to pay restitution in the amount of \$199,280; it shall be paid in monthly installments of no less than \$1,000.'
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As of the date of this petition, Mr. Acchione has paid a total of \$100 toward restitution, producing a current balance owed of \$199,180.

U.S. Probation Officer Action:

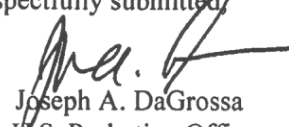
On January 27, 2010, the U.S. Probation Office submitted to the Court a Report on Offender Under Supervision (Probation Form 12A) in which the probation officer requested that the Court reduce Mr. Acchione's monthly restitution payments to a schedule commensurate with his ability to pay (approximately \$100 per month given his current financial status). In that report, the probation officer advised the Court that a deposition had been scheduled with the Financial Litigation Unit of the U.S. Attorney's Office so as to determine what Mr. Acchione may have done with the proceeds from the instant crime in order to develop a more accurate picture of his financial status. The Court approved this report on February 17, 2010. We now write to inform the Court of the findings from the deposition.

The deposition was held at the U.S. Attorney's Office in Newark on March 8. Present were Assistant United States Attorney Leah Bynon, Assistant Federal Public Defender Lisa Evans Lewis, Mr. Acchione and the undersigned probation officer. Upon being questioned by Ms. Bynon, Mr. Acchione was able to produce numerous receipts, cancelled checks and bank statements accounting for virtually all of the \$199,280 in question. Following the commencement of the instant offense and prior to his eventual arrest, Mr. Acchione apparently spent the stolen funds on expenses to include past-due property taxes, outstanding credit card debt, student loans for his sons, several trips to California, assorted living expenses and alcohol.

The Assistant U.S. Attorney and the undersigned probation officer are in agreement that the proceeds from the instant offense have been exhausted. As such, Mr. Acchione's ability to pay restitution is limited to his monthly income minus necessary living expenses. As indicated in our prior report to the Court of January 27, we intend to continue to collect restitution payments commensurate with Mr. Acchione's ability to pay based upon his current financial status and will immediately inform the Court of any change in his ability to pay restitution.

We note that Mr. Acchione has continued to otherwise comply with the terms of his supervision. He recently obtained a part-time job delivering flowers for a local florist (this employment is unlikely to increase his overall monthly income as it will result in a reduction of his Unemployment benefits) and continues to attend classes at Burlington County community college.

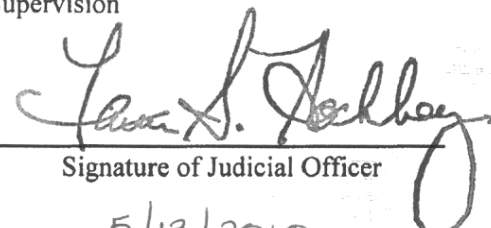
Respectfully submitted,


 By: Joseph A. DaGrossa
 U.S. Probation Officer
 Date: March 22, 2010

☐ The Court has been informed of the results of the deposition held on March 8, 2010. Mr. Acchione is to continue to make monthly restitution payments at a rate commensurate with his ability to pay and the Court is to be advised of any change in his financial status which affects his ability to pay restitution.

- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
☐ Submit a Request for Warrant or Summons
☒ Other

The Court orders that restitution be paid in monthly installments of \$250/month. The Defendant is on notice that this payment shall be his first priority each month. SO ORDERED.


 Signature of Judicial Officer
 5/13/2010
 Date